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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part IV)*

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Human rights questions: Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Committee considered the item at its 37th to 48th, 50th, 53rd, 55th, 59th and 61st to 67th meetings, on 21 to 25 and 28 to 30 November and on 1, 5, 6, 8 and 9 to 14 December 1994. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/49/SR.37-48, 50, 53, 55, 59 and 61-67).

3. For the documents before the Committee under this item, see document A/49/610.

4. At the 37th meeting, on 21 November, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/49/SR.37).

5. At the 38th meeting, on 22 November, the Assistant Secretary-General for Human Rights and the Special Representative of the Secretary-General for Human Rights for Cambodia made introductory statements (see A/C.3/49/SR.38).

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* The report of the Committee on agenda item 100 will be issued in six parts, under the symbol A/49/610 and Add.1-5.

6. At the same meeting, the Special Rapporteurs on the Situation of Human Rights in Afghanistan, Haiti, Rwanda and the Sudan made introductory statements (see A/C.3/49/SR.38).

7. At the 39th meeting, on 22 November, the Representative of the Secretary-General on internally displaced persons made an introductory statement (see A/C.3/49/SR.39).

8. At the same meeting, the Officer-in-Charge of the Special Procedures Branch, Centre for Human Rights, made a statement on behalf of the Special Rapporteur on the Situation of Human Rights in Yugoslavia (see A/C.3/49/SR.39).

9. At the 40th meeting, on 23 November, the Special Rapporteurs on the situation of human rights in Cuba and in Myanmar made statements (see A/C.3/49/SR.40).

10. At the same meeting, the Vice-Chairman of the Ad Hoc Working Group on southern Africa made a statement (see A/C.3/49/SR.40).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/49/L.42 and Rev.1

11. On 2 December, Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Denmark, Egypt, Finland, France, Germany, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Kuwait, Liechtenstein, Luxembourg, Morocco, the Netherlands, Norway, Pakistan, Poland, Portugal, Saudi Arabia, Slovenia, Spain, Sweden, Tunisia, Turkey and the United States of America submitted a draft resolution entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/49/L.42), which read as follows:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Rights of the Child, 4/ the Convention on the Prevention and

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1/ Resolution 2106 A (XX), annex.

2/ Resolution 2200 (A) (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 44/25, annex.

Punishment of the Crime of Genocide, 5/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 6/ the Convention on the Elimination of All Forms of Discrimination Against Women 7/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 8/ for the protection of victims of war and the Additional Protocols thereto, of 1977, 9/ as well as the principles and commitments undertaken by the States members of the Conference on Security and Cooperation in Europe,

"Gravely concerned at the human tragedy in the territories of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in the areas of the Republic of Bosnia and Herzegovina under Bosnian Serb control and in areas of the Republic of Croatia under Croatian Serb control,

"Recalling its resolution 48/153 of 20 December 1993 and Commission on Human Rights resolution 1994/72 of 9 March 1994 10/ and Security Council resolution 900 (1994) of 4 March 1994, in which the Council called upon all parties to achieve freedom of movement for the civilian population and humanitarian goods to, from, and within Sarajevo,

"Recalling specifically Security Council resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993 and 855 (1993) of 9 August 1993, in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia and established an International Tribunal for the prosecution of persons responsible for such violations,

"Recalling further Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihać, Srebrenica and their surroundings should be treated as safe areas and that international

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5/ Resolution 260 A (III).

6/ Resolution 39/46, annex.

7/ Resolution 34/180, annex.

8/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

9/ Ibid., vol. 1125, Nos. 17512 and 17513.

10/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

humanitarian agencies should be given free and unimpeded access to those areas,

"Gravely concerned at the situation throughout Bosnia and Herzegovina and the rapidly deteriorating situation in the safe areas of Sarajevo, Tuzla, Gorazde, Zepa, Srebrenica, and in particular the flagrant and blatant violations of the safe areas of Bihać which has been subject to continued attacks by the Bosnian Serbs and Croatian Serb forces,

"Expressing its appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement to the conflict in Bosnia and Herzegovina and the work of the ambassadors of the United States of America, the Russian Federation, the European Union and the United Nations in Zagreb to achieve a cease-fire and eventual resolution of the situation in Croatia, all of which could, if accepted by all parties, lead to a substantial improvement in the human rights situation of members of all ethnic groups in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

"Noting with appreciation the efforts of the United Nations Protection Force to help to create the conditions for the peaceful settlement of the conflicts in Bosnia and Herzegovina and Croatia, and also noting the obstacles that the United Nations Protection Force in Bosnia and Herzegovina and in the United Nations Protected Areas of Croatia face in the performance of their mandate,

"Supporting the declarations signed by Muslim, Catholic and Orthodox religious leaders at the Interfaith Summits convened by the Appeal of Conscience Foundation at Zurich in 1992 and at Istanbul in 1994,

"Encouraging the international community, acting through the United Nations and other international organizations as well as bilaterally, to enhance its humanitarian support for the Republic of Bosnia and Herzegovina, the Bosnian Federation and the Republic of Croatia,

"Gravely concerned at the human rights violations in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at those committed in the context of the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population, which is threatened with virtual extermination, as well as the Croats and non-Serbs,

"Dismayed by the huge number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in Croatia,

"Deploring the exploitation of ethnic tensions and ultra-nationalistic phenomena for political goals used to foster the war and human rights violations,

"Alarmed that the conflict in Bosnia and Herzegovina and in Croatia has also been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as sites of cultural heritage,

"Deeply concerned by the situations reflected in the Secretary-General's report on rape and abuse of women in the areas of armed conflict in the former Yugoslavia, 11/ and stressing the need for detailed reporting on this subject,

"Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

"Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of long duration of the Conference on Security and Cooperation in Europe and the European Union to Kosovo, Sandjak and Vojvodina, where the human rights situation remains a cause of great concern,

"Welcoming also the reconstruction efforts of the European Union, inter alia, through its monitoring missions to promote respect for human rights and fundamental freedoms,

"Welcoming further the interim reports and recommendations of the Special Rapporteur on the situation of human rights in the former Yugoslavia, in particular the most recent report, 12/

"1. Commends the Special Rapporteur on the situation of human rights in the territories of the successor States of the former Yugoslavia for his reports 13/ and notes that his presence can be a positive factor towards reducing the instances of human rights violations in the region;

"2. Expresses its grave concern at the instances of massive and systematic violations of human rights and humanitarian law in parts of the Republic of Bosnia and Herzegovina, Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), as described in the Special Rapporteur's reports;

11/ A/48/858.

12/ E/CN.4/1994/54.

13/ See S/26383, S/26415 and S/26469; see Official Records of the Security Council, Forty-eighth Year, Supplement for July, August and September 1993, documents S/26383, S/26415 and S/26469; see also A/49/641-S/1994/1252.

"3. Notes with grave concern the Special Rapporteur's conclusions about the impending humanitarian disaster in Bosnia and Herzegovina this winter;

"4. Condemns in the strongest terms all violations of human rights and international humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, recognizing that the leadership in territories under the control of Serbs in Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of those violations;

"5. Condemns the continued refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territories under their control;

"6. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with ethnic cleansing by Bosnian Serbs, and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses, forced and illegal evictions, detentions and other acts or threats of violence aimed at forcing individuals to leave their homes;

"7. Condemns further the indiscriminate shelling and besieging of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services and the use of military force against civilian populations and relief operations, including the use of cluster and napalm bombs on civilian targets by Croatian Serb and Bosnian Serb forces;

"8. Welcomes the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun, and in this context encourages the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations so that the Tribunal may conduct without any further delay its stipulated functions of trying those accused of and punishing those responsible for violations of international law;

"9. Requests States, as a matter of urgency, to make available to the International Tribunal expert personnel, resources and services to aid in the investigation and prosecution of persons accused of having committed serious violations of international humanitarian law;

"10. Requests all States, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate, as required under Security Council resolution 827 (1993), with the International Tribunal in providing evidence for investigations and trials and in surrendering persons accused of crimes within the jurisdiction of the Tribunal;

"11. Notes that all serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 are within the jurisdiction of the International Tribunal, and that persons who commit such acts in the context of the existing conflict will be held accountable;

"12. Reaffirms that States are to be held accountable for violations of human rights;

"13. Expresses its complete support for the victims of those violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of ethnic cleansing to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

"14. Condemns all deliberate impedance of the delivery of food, medical and other supplies essential for the civilian population, which can constitute a serious violation of international humanitarian law, and of medical evacuations, and demands that all parties ensure that all persons under their control cease such acts;

"15. Also condemns the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, most of which are perpetrated by Bosnian Serb forces;

"16. Expresses its outrage that the systematic practice of rape continues to be used as a weapon of war against women and children and as an instrument of ethnic cleansing and recognizes that rape in this context constitutes a war crime;

"17. Expresses its serious concern at the prevalence of lawlessness in the Serbian-controlled territories of Croatia and the lack of adequate protection for Croatian and non-Serb populations remaining in the Serb-controlled municipalities where these populations continue to experience physical violence and insecurity, as reported by the Special Rapporteur;

"18. Also expresses its serious concern at the violations of humanitarian law committed by local officials in the Federation-controlled areas of Bosnia and Herzegovina, which limit the right to freedom of movement, notably the right of refugees or displaced persons to return to their homes, as reported by the Special Rapporteur;

"19. Strongly condemns the increase of police violence against the non-Serb populations in Kosovo, Sandjak, Vojvodina and other areas of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of violations of the right to fair trial, as described in the most recent report of the Special Rapporteur; 14/

14/ A/49/641-S/1994/1252.

"20. Strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take appropriate measures to respect fully all human rights and fundamental freedoms and to take urgent action to ensure the rule of law in order to prevent arbitrary evictions and dismissals and discrimination against members of the non-Serb populations in the Federal Republic of Yugoslavia (Serbia and Montenegro);

"21. Expresses its grave concern at the deteriorating human rights situation in Sandjak, as noted by the Special Rapporteur, particularly the systematic acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials directed mainly against members of the Muslim population;

"22. Affirms that a peaceful solution, to be achieved through negotiation under the auspices of the International Conference on the Former Yugoslavia, would greatly benefit the human rights situation in the areas concerned;

"23. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and demands the immediate, internationally supervised release of all persons arbitrarily or illegally detained in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949; 8/

"24. Reiterates its demands that all parties notify immediately the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

"25. Urges all parties, and in particular the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the Working Group on Enforced and Involuntary Disappearances in determining the fate of thousands of missing persons by disclosing information and documentation on inmates in prisons, camps and other places of detention in order finally to locate such persons and alleviate the suffering of their relatives;

"26. Urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider its refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe to monitor the human rights conditions in its territory, particularly in Kosovo, Sandjak and Vojvodina, and its refusal

to permit the opening of a field office of the Centre for Human Rights as called for by the General Assembly in resolution 48/153;

"27. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of the activities of all United Nations bodies in implementing the present resolution, and urges those bodies concerned with the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the International Tribunal, and to provide the Special Rapporteur on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

"28. Also urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

"29. Welcomes the effort by the Governments of Croatia and Bosnia and Herzegovina to uphold human rights in their territories and urges them to fulfil the human rights commitments they have made;

"30. Notes with concern that many of the past recommendations of the Special Rapporteur have not been fully implemented, in some cases because of resistance by the parties on the ground, and urges the parties, all States and relevant organizations to give immediate consideration to them, in particular the Special Rapporteur's calls:

"(a) For the opening of humanitarian relief corridors to prevent the death and deprivation of the civilian population and to open Tuzla airport to relief deliveries, and for the immediate release of detainees into conditions of safety;

"(b) For the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims;

"(c) For more generous international assistance to refugees fleeing the conflict, and to the States which receive them;

"(d) For increased support to initiatives to assist persons displaced by the conflict, with attention to the special needs of urban families and orphans;

"(e) For the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns;

"(f) For the attention of the international community to the need for an effective response to counter the policy of ethnic cleansing;

"31. Draws attention to the need for an immediate and urgent investigation by qualified experts of a mass grave near Vukovar and other mass grave sites and places where mass killings are reported to have taken place, and requests the Secretary-General, within existing resources, to make available the necessary means for this undertaking;

"32. Invites the Commission on Human Rights at its fifty-first session to request the Special Rapporteur to report to the General Assembly at its fiftieth session;

"33. Decides to continue its examination of this question at its fiftieth session under the item entitled 'Human rights questions'."

12. On 8 December, the sponsors of draft resolution A/C.3/49/L.42, as well as Afghanistan, Croatia, Jordan, the United Kingdom of Great Kingdom of Great Britain and Northern Ireland and Yemen, submitted a revised draft resolution entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/49/L.42/Rev.1).

13. At the 63rd meeting, on 12 December, the Secretary of the Committee read out corrections to the revised draft resolution as follows:

(a) In the last preambular paragraph, the word "interim" was deleted;

(b) Footnote 12 was revised to read: 12/ A/49/641-S/1994/1252;

(c) In operative paragraph 14, the word "can" was deleted and the words "and international human rights law" were inserted after the words "humanitarian law";

(d) In operative paragraph 18, the words "and international human rights law" were inserted after the words "humanitarian law";

(e) In operative paragraph 25, the words "Working Group on Enforced and Involuntary Disappearances" were replaced with the following: "'Special Process' on Missing Persons in the Territory of the former Yugoslavia established pursuant to paragraph 24 of Commission on Human Rights resolution 1994/72 of 9 March 1994".

14. At the same meeting, the representative of the United States of America, on behalf of the sponsors of revised draft resolution A/C.3/49/L.42/Rev.1, as well as Azerbaijan, Bangladesh, New Zealand, Oman and Qatar, introduced the revised draft resolution.

15. At the 66th meeting, on 14 December, statements were made by the representatives of the United States of America, the Russian Federation and Bosnia and Herzegovina (see A/C.3/49/SR.66).

16. At the same meeting, the Committee voted on the revised draft resolution, as follows:

(a) The Committee adopted operative paragraph 2 by a recorded vote of 125 to 1, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: Russian Federation.

Abstaining: Angola, Belarus, Burundi, China, Côte d'Ivoire, Ghana, India, Mozambique, Namibia, Nigeria, Republic of Moldova, Rwanda, Sri Lanka, Togo, Uganda, United Republic of Tanzania, Uzbekistan, Zambia, Zimbabwe.

(b) The Committee adopted operative paragraph 4 by a recorded vote of 123 to 1, with 18 abstentions. The voting was as follows: 15/

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador,

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15/ The representative of Pakistan indicated that his vote on operative paragraph 4 should have been recorded as in favour.

Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen.

Against: Russian Federation.

Abstaining: Angola, Belarus, China, Côte d'Ivoire, Ghana, India, Mozambique, Namibia, Nigeria, Republic of Moldova, Rwanda, Sri Lanka, Togo, Uganda, Ukraine, United Republic of Tanzania, Zambia, Zimbabwe.

(c) The Committee adopted revised draft resolution A/C.3/49/L.42/Rev.1 as a whole, as orally corrected, by a recorded vote of 130 to none, with 14 abstentions (see para. 61, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic

of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen.

Against: None.

Abstaining: Angola, Belarus, Côte d'Ivoire, Ghana, India, Namibia, Nigeria, Russian Federation, Rwanda, Togo, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

17. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/49/SR.66).

B. Draft resolution A/C.3/49/L.43

18. At the 59th meeting, on 8 December, the representative of Sweden, on behalf of Andorra, Armenia, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, joined subsequently by Argentina, Lithuania, Mauritius, South Africa and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/49/L.43).

19. At the same meeting, the representative of Sweden indicated that the Russian Federation was not a sponsor of the draft resolution.

20. At the 64th meeting, on 13 December, statements were made by the representatives of Myanmar and Yemen (see A/C.3/49/SR.64).

21. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.43, without a vote (see para. 61, draft resolution II).

C. Draft resolution A/C.3/49/L.44

22. At the 59th meeting, on 8 December, the representative of the United States of America, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/49/L.44).

23. Subsequently, the representative of Poland withdrew his sponsorship of the draft resolution.

24. In introducing the draft resolution, the representative of the United States of America orally revised the seventeenth preambular paragraph as

follows: the words "reports of the" were deleted and the words "as contained in the report of the Special Rapporteur" were added at the end of the paragraph.

25. At the 65th meeting, on 13 December, the representatives of the Sudan and Nigeria made statements (see A/C.3/49/SR.65).

26. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.44, as orally revised, by a recorded vote of 93 to 13, with 47 abstentions (see para. 61, draft resolution III). The voting was as follows:

In favour: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: Afghanistan, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Pakistan, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Morocco, Mozambique, Niger, Nigeria, Oman, Panama, Papua New Guinea, Philippines, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates.

D. Draft resolution A/C.3/49/L.45

27. At the 59th meeting, on 8 December, the representative of Australia, on behalf of Australia, Austria, Cambodia, Canada, France, the Netherlands, Sweden and the United States of America, joined subsequently by Andorra, Israel, Japan, New Zealand and the United Kingdom of Great Britain and Northern Ireland,

introduced a draft resolution entitled "Situation of human rights in Cambodia" (A/C.3/49/L.45) and orally revised it as follows:

(a) In operative paragraph 7, the words "existing resources" were replaced with the words "the regular budget of the United Nations";

(b) In operative paragraph 18, the word "cooperating" was replaced with the word "cooperation";

(c) In operative paragraph 19, the words "Requests the Secretary-General to continue to use the" were replaced with the words "Notes with appreciation the use by the Secretary-General of the United Nations".

28. At its 65th meeting, on 13 December, the Committee adopted draft resolution A/C.3/49/L.45, as orally revised, without a vote (see para. 61, draft resolution IV).

E. Draft resolution A/C.3/49/L.46

29. At the 59th meeting, on 8 December, the representative of the United States of America, on behalf of Australia, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Japan, Luxembourg, the Netherlands, Norway, Portugal, the Republic of Moldova, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, joined subsequently by Albania, the Czech Republic, the Dominican Republic, the Marshall Islands and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Situation of human rights in Cuba" (A/C.3/49/L.46) and orally revised operative paragraph 4 by deleting the word "uncontested".

30. At the 65th meeting, on 13 December, statements were made by the representatives of Mexico, Uruguay and Cuba (see A/C.3/49/SR.65).

31. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.46, as orally revised, by a recorded vote of 62 to 22, with 64 abstentions (see para. 61, draft resolution V). The voting was as follows:

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: Angola, China, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Myanmar, Namibia, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Guinea, Guyana, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Sierra Leone, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, Venezuela.

32. After the adoption of the draft resolution, statements were made by the representatives of Brazil and the Russian Federation (see A/C.3/49/SR.65).

F. Draft resolution A/C.3/49/L.48

33. At the 59th meeting, on 8 December, the representative of Venezuela, on behalf of Antigua and Barbuda, Argentina, Austria, the Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Mexico, Nicaragua, Norway, Panama, Paraguay, Peru, Spain, Suriname, Sweden, Trinidad and Tobago, the United States of America, Uruguay and Venezuela, joined subsequently by Andorra, Australia, Ecuador, Georgia, Honduras, Israel, Portugal and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Human rights in Haiti" (A/C.3/49/L.48).

34. At its 65th meeting, on 13 December, the Committee adopted draft resolution A/C.3/49/L.48 without a vote (see para. 61, draft resolution VI).

35. After the adoption of the draft resolution, the representative of Haiti made a statement (see A/C.3/49/SR.65).

G. Draft resolution A/C.3/49/L.52

36. At the 61st meeting, on 9 December, the representative of Germany, on behalf of Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, joined subsequently by Honduras, introduced a draft

resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/49/L.52).

37. At the 65th meeting, on 13 December, statements were made by the representatives of Algeria, the Islamic Republic of Iran and Maldives (see A/C.3/49/SR.65).

38. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.52 by a recorded vote of 68 to 23, with 56 abstentions (see para. 61, draft resolution VII). The voting was as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Fiji, Finland, France, Germany, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Oman, Pakistan, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam.

Abstaining: Albania, Angola, Bahrain, Benin, Bhutan, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Estonia, Ethiopia, Gabon, Georgia, Ghana, Guatemala, Guinea, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Mali, Mauritania, Mozambique, Namibia, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Saudi Arabia, Sierra Leone, Singapore, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zimbabwe.

H. Draft resolution A/C.3/49/L.53

39. At the 61st meeting, on 9 December, the representative of Germany, on behalf of Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal,

Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, joined subsequently by Argentina, introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/49/L.53).

40. At the 65th meeting, on 13 December, statements were made by the representatives of Iraq and Kuwait (see A/C.3/49/SR.65).

41. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.53 by a recorded vote of 105 to 3, with 45 abstentions (see para. 61, draft resolution VIII). The voting was as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Iraq, Libyan Arab Jamahiriya, Sudan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guatemala, India, Indonesia, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Philippines, Sierra Leone, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

42. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and the Russian Federation (see A/C.3/49/SR.65).

I. Draft resolution A/C.3/49/L.58

43. At the 62nd meeting, on 10 December, the Secretary of the Committee read out corrections to the text of a draft resolution entitled "Situation of human rights in Kosovo" (A/C.3/49/L.58) as follows:

(a) In subparagraph (c) of the fourth preambular paragraph, the words "by maltreating" were replaced with the words "and activities, maltreating";

(b) In operative paragraph 3 (c), the words "the inhabitants" were replaced with the words "its inhabitants".

44. At the same meeting, the representative of Albania, on behalf of Afghanistan, Albania, Austria, Bangladesh, Bosnia and Herzegovina, Chile, Croatia, Denmark, Egypt, Finland, Germany, Iceland, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Malaysia, Morocco, the Netherlands, Norway, Pakistan, Portugal, Saudi Arabia, Senegal, Sweden, Tunisia, and Turkey, as well as, Djibouti, Jordan, Kyrgyzstan, Luxembourg, Maldives, Qatar, the United Arab Emirates and the United States of America, joined subsequently by Andorra, Canada and France, introduced the draft resolution and orally revised it as follows:

(a) Operative paragraph 3 (d) was revised to read "Reopen the cultural and scientific institutions of the ethnic Albanians";

(b) In operative paragraph 3 (e), the word "Resume" was replaced with the word "Pursue".

45. At the 65th meeting, on 13 December, statements were made by the representatives of the Russian Federation and Indonesia (see A/C.3/49/SR.65).

46. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.58, as orally revised, by a recorded vote of 105 to 3, with 36 abstentions (see para. 61, draft resolution IX). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Germany, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia,

Solomon Islands, South Africa, Spain, Suriname, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: India, Russian Federation, United Republic of Tanzania.

Abstaining: Angola, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Ethiopia, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea, Jamaica, Kenya, Malawi, Namibia, Nepal, Nigeria, Peru, Philippines, Republic of Moldova, Sierra Leone, Singapore, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, Ukraine, Venezuela, Zambia, Zimbabwe.

47. After the adoption of the draft resolution, statements were made by the representatives of Greece, India, Peru and Albania (see A/C.3/49/SR.65).

J. Draft resolution A/C.3/49/L.61

48. At the 62nd meeting, on 10 December, the representative of Bosnia and Herzegovina, on behalf of Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Botswana, Canada, Chile, Costa Rica, Croatia, Denmark, Djibouti, the Dominican Republic, Egypt, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Latvia, Liechtenstein, Luxembourg, Malaysia, Malta, Monaco, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Portugal, Qatar, Saudi Arabia, Senegal, Slovenia, Spain, the Sudan, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Yemen, joined subsequently by Brunei Darussalam, Cambodia, El Salvador, Japan, Kyrgyzstan, the Marshall Islands, Nepal, Nigeria, Papua New Guinea, and the Philippines, introduced a draft resolution entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/C.3/49/L.61).

49. At the 67th meeting, on 14 December, the representative of Bosnia and Herzegovina orally revised the draft resolution as follows: in operative paragraph 17, the words "in the Serb-held areas" were replaced with the words "in those areas where access is being denied to the Special Rapporteur".

50. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.61, as orally revised, without a vote (see para. 61, draft resolution X).

51. After the adoption of the draft resolution, the representative of the Russian Federation made a statement (see A/C.3/49/SR.67).

K. Draft resolution A/C.3/49/L.62

52. At the 65th meeting, on 13 December, the representative of Canada, on behalf of Albania, Andorra, Australia, Austria, Belgium, Benin, Botswana, Cambodia, Cameroon, Canada, Chile, Costa Rica, Denmark, Finland, France, Gabon, Germany, Greece, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Panama, the Republic of Korea, Rwanda, Slovenia, Spain, Sweden, Togo, Tunisia and the United States of America, joined subsequently by Cote d'Ivoire, the Czech Republic and Portugal, introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/49/L.62), and orally revised operative paragraph 4 as follows: the words "human rights or international humanitarian law" were replaced with the words "international humanitarian law, or those who are responsible for grave violations of human rights".

53. Subsequently, the representative of Canada announced that Rwanda and Cameroon were not sponsors of the draft resolution.

54. At the 67th meeting, on 14 December, the representative of Benin made a statement (see A/C.3/49/SR.67).

55. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.62, as orally revised, without a vote (see para. 61, draft resolution XI).

56. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/49/SR.67).

L. Draft resolution A/C.3.49/L.63

57. At the 62nd meeting, on 10 December, the Chairman of the Committee introduced a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/49/L.63).

58. At the 67th meeting, on 14 December, the Acting Chairman orally revised the draft resolution as follows:

(a) In the tenth preambular paragraph, the word "various" was inserted after the words "in spite of the", the words "by the Government of Afghanistan" were deleted, and the words "including those taken by the Afghan Government," were added after the words "peace and stability,";

(b) In the twenty-first preambular paragraph, the words "the declaration" were replaced with the words "the 1992 declaration" and the word "groups" was replaced with the word "parties";

(c) In operative paragraph 3, the words "four million" were replaced with the words "three million";

(d) Operative paragraph 7 was deleted and the subsequent operative paragraphs were renumbered accordingly;

(e) In existing operative paragraph 8, the words "Government of Afghanistan" were replaced with the words "Afghan Government".

59. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.63, as orally revised, without a vote (see para. 61, draft resolution XII).

M. Documents considered by the General Assembly in connection with the item entitled "Human rights questions: (c) Human rights situations and reports of special rapporteurs and representatives"

60. At its 67th meeting, on 14 December, on the proposal of the Acting Chairman, the Committee decided to recommend to the General Assembly that it take note of documents considered under item 100 (c) (see para. 62).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

61. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 16/ the International Covenants on Human Rights, 17/ the International Convention on the Elimination of All Forms of Racial Discrimination, 18/ the Convention on the Rights of the Child, 19/ the Convention on the Prevention and Punishment of the Crime of Genocide, 20/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 21/ the Convention on the Elimination of

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16/ Resolution 217 A (III).

17/ Resolution 2200 A (XXI), annex.

18/ Resolution 2106 A (XX), annex.

19/ Resolution 44/25, annex.

20/ Resolution 260 A (III).

21/ Resolution 39/46, annex.

All Forms of Discrimination against Women 22/ and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 23/ for the protection of victims of war and the Additional Protocols thereto, of 1977, 24/ as well as the principles and commitments undertaken by States members of the Conference on Security and Cooperation in Europe,

Gravely concerned at the human tragedy in the territories of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the continuing massive and systematic violations of human rights occurring in the areas of the Republic of Bosnia and Herzegovina under Bosnian Serb control and in areas of the Republic of Croatia under Croatian Serb control,

Recalling its resolution 48/153 of 20 December 1993, Commission on Human Rights resolution 1994/72 of 9 March 1994 25/ and Security Council resolution 900 (1994) of 4 March 1994, in which the Council called upon all parties to achieve freedom of movement for the civilian population and humanitarian goods to, from and within Sarajevo,

Recalling specifically Security Council resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993 and 855 (1993) of 9 August 1993, in which the Council demanded, inter alia, that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, requested the Secretary-General to establish a commission of experts to examine and analyse information relating to serious violations of such law being committed in the territory of the former Yugoslavia, and established an international tribunal for the prosecution of persons responsible for such violations,

Recalling Security Council resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in which the Council declared that Sarajevo, Tuzla, Žepa, Goražde, Bihać, Srebrenica and their surroundings should be treated as safe areas and that international humanitarian agencies should be given free and unimpeded access to those areas,

Gravely concerned at the situation throughout Bosnia and Herzegovina and the rapidly deteriorating situation in the safe areas of Sarajevo, Tuzla, Goražde, Žepa and Srebrenica, and in particular the flagrant and blatant violations of the safe areas of Bihać, which has been subject to continued attacks by the Bosnian Serbs and Croatian Serb forces,

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22/ Resolution 34/180, annex.

23/ United Nations Treaty Series, vol. 75, Nos. 970-973.

24/ Ibid., vol. 1125, Nos. 17512 and 17513.

25/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Expressing its appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement to the conflict in Bosnia and Herzegovina and the work of the ambassadors of the United States of America and the Russian Federation and the representatives of the European Union and the United Nations in Zagreb to achieve a cease-fire and eventual resolution of the situation in Croatia, all of which could, if accepted by all parties, lead to a substantial improvement in the human rights situation of members of all ethnic groups in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Noting with appreciation the efforts of the United Nations Protection Force to help to create the conditions for the peaceful settlement of the conflicts in the Republic of Bosnia and Herzegovina and the Republic of Croatia and to provide protection for the delivery of humanitarian aid, and also noting the obstacles faced by the United Nations Protection Force in the performance of its mandate in the Republic of Bosnia and Herzegovina and in the United Nations Protected Areas of the Republic of Croatia,

Welcoming the signing of the framework agreements in Washington on 1 March 1994 and the creation of the Bosnian Federation, which has facilitated the delivery of humanitarian supplies and serves as a model for ethnic reconciliation in the region,

Supporting the declarations signed by Muslim, Catholic and Orthodox religious leaders at the Interfaith Summits convened by the Appeal of Conscience Foundation at Zurich in 1992 and at Istanbul in 1994,

Encouraging the international community, acting through the United Nations and other international organizations as well as bilaterally, to enhance its humanitarian support for the Republic of Bosnia and Herzegovina, the Bosnian Federation and the Republic of Croatia,

Gravely concerned at the human rights violations in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular at those committed in the context of the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population, threatened with virtual extermination, as well as the Croats and non-Serbs,

Dismayed by the huge number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in Croatia,

Deploring the exploitation of ethnic tensions and ultra-nationalistic phenomena for political goals used to foster the war and human rights violations,

Alarmed that the conflict in the Republic of Bosnia and Herzegovina and in the Republic of Croatia has also been characterized by the systematic

destruction and profanation of mosques, churches and other places of worship, as well as sites of cultural heritage,

Deeply concerned by the situations reflected in the report of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia, 26/ and stressing the need for detailed reporting on this subject,

Encouraging the continuing efforts made in the framework of the International Conference on the Former Yugoslavia to find a peaceful solution,

Welcoming the ongoing efforts of the Conference on Security and Cooperation in Europe to re-establish its presence in the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to prevent further human rights violations, and deeply concerned about the decision of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to expel the monitoring missions of long duration of the Conference on Security and Cooperation in Europe and the European Union to Kosovo, the Sandžak and Vojvodina, where the human rights situation remains a cause of great concern,

Welcoming also the reconstruction efforts of the European Union, inter alia, through its monitoring missions to promote respect for human rights and fundamental freedoms,

Welcoming further the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of the successor States of the former Yugoslavia, in particular the most recent report, 27/

1. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of the successor States of the former Yugoslavia for his reports 28/ and notes that his presence can be a positive factor towards reducing the instances of human rights violations in the region;

2. Expresses its grave concern at the instances of massive and systematic violations of human rights and humanitarian law in parts of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), as described in the reports of the Special Rapporteur;

26/ A/48/858.

27/ A/49/641-S/1994/1252, annex.

28/ See S/26383, S/26415 and S/26469; see Official Records of the Security Council, Forty-eighth Year, Supplement for July, August and September 1993, documents S/26383, S/26415 and S/26469; see also A/49/641-S/1994/1252, annex.

3. Notes with grave concern the Special Rapporteur's conclusions about the impending humanitarian disaster in the Republic of Bosnia and Herzegovina this winter;

4. Condemns in the strongest terms all violations of human rights and international humanitarian law in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) by all sides to the conflict, recognizing that the leadership in territories under the control of Serbs in the Republic of Bosnia and Herzegovina and the Republic of Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of those violations;

5. Condemns the continued refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territories under their control;

6. Condemns also the specific violations identified by the Special Rapporteur, most of which are committed in connection with ethnic cleansing by Bosnian Serbs, and which include killings, torture, beatings, arbitrary searches, rape, disappearances, destruction of houses, forced and illegal evictions, detentions and other acts or threats of violence aimed at forcing individuals to leave their homes;

7. Condemns further the indiscriminate shelling and besieging of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services and the use of military force against civilian populations and relief operations, including the use of cluster and napalm bombs on civilian targets by Croatian Serb and Bosnian Serb forces;

8. Welcomes the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun, and in this context encourages the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations so that the Tribunal may conduct without any further delay its stipulated functions of trying those accused of and punishing those responsible for violations of international law;

9. Requests States, as a matter of urgency, to make available to the International Tribunal expert personnel, resources and services to aid in the investigation and prosecution of persons accused of having committed serious violations of international humanitarian law;

10. Requests all States, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate, as required under Security Council resolution 827 (1993), with the International Tribunal in providing evidence for investigations and trials and in surrendering persons accused of crimes within the jurisdiction of the Tribunal;

11. Notes that all serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 are within the jurisdiction of the International Tribunal, and that persons who commit such acts in the context of the existing conflict will be held accountable;

12. Reaffirms that States are to be held accountable for violations of human rights;

13. Expresses its complete support for the victims of those violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions, recognizes the right of victims of ethnic cleansing to receive just reparation for their losses, and urges all parties to fulfil their agreements to this end;

14. Condemns all deliberate impedance of the delivery of food, medical and other supplies essential for the civilian population, which constitutes a serious violation of international humanitarian law and international human rights law, and of medical evacuations, and demands that all parties ensure that all persons under their control cease such acts;

15. Also condemns the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, most of which are perpetrated by Bosnian Serb forces;

16. Expresses its outrage that the systematic practice of rape continues to be used as a weapon of war against women and children and as an instrument of ethnic cleansing, and recognizes that rape in this context constitutes a war crime;

17. Expresses its serious concern at the prevalence of lawlessness in the Serbian-controlled territories of Croatia and the lack of adequate protection for Croatian and non-Serb populations remaining in the Serb-controlled municipalities where these populations continue to experience physical violence and insecurity, as reported by the Special Rapporteur;

18. Also expresses its serious concern at the violations of humanitarian law and international human rights law committed by local officials in the Federation-controlled areas of Bosnia and Herzegovina, which limit the right to freedom of movement, notably the right of refugees or displaced persons to return to their homes, as reported by the Special Rapporteur;

19. Strongly condemns the increase of police violence against the non-Serb populations in Kosovo, the Sandžak, Vojvodina and other areas of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of violations of the right to fair trial, as described in the most recent report of the Special Rapporteur; 27/

20. Strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take appropriate measures to respect fully all human

rights and fundamental freedoms and to take urgent action to ensure the rule of law in order to prevent arbitrary evictions and dismissals and discrimination against members of the non-Serb populations in the Federal Republic of Yugoslavia (Serbia and Montenegro);

21. Expresses its grave concern at the deteriorating human rights situation in the Sandžak, as noted by the Special Rapporteur, particularly the systematic acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials directed mainly against members of the Muslim population;

22. Affirms that a peaceful solution, to be achieved through negotiation under the auspices of the International Conference on the Former Yugoslavia, would greatly benefit the human rights situation in the areas concerned;

23. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and demands the immediate, internationally supervised release of all persons arbitrarily or illegally detained and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949; 23/

24. Reiterates its demands that all parties notify immediately the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and that the International Committee of the Red Cross, the Special Rapporteur and his staff, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

25. Urges all parties, and in particular the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the "Special Process" on Missing Persons in the Territory of the former Yugoslavia established pursuant to paragraph 24 of Commission on Human Rights resolution 1994/72 25/ in determining the fate of thousands of missing persons by disclosing information and documentation on inmates in prisons, camps and other places of detention in order finally to locate such persons and alleviate the suffering of their relatives;

26. Urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider its refusal to allow the continuation of the activities of the missions of the Conference on Security and Cooperation in Europe to monitor the human rights conditions in its territory, particularly in Kosovo, the Sandžak and Vojvodina, and its refusal to permit the opening of a field office of the Centre for Human Rights of the Secretariat as called for by the General Assembly in its resolution 48/153;

27. Urges the Secretary-General to take all necessary steps to ensure the full and effective coordination of the activities of all United Nations bodies in implementing the present resolution, and urges those bodies concerned with

the situation in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to coordinate closely with the Special Rapporteur and the International Tribunal, and to provide the Special Rapporteur on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

28. Also urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with adequate staff based in the territories of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

29. Welcomes the effort by the Governments of Croatia and Bosnia and Herzegovina to uphold human rights in their territories, and urges them to fulfil the human rights commitments they have made;

30. Notes with concern that many of the past recommendations of the Special Rapporteur have not been fully implemented, in some cases because of resistance by the parties on the ground, and urges the parties, all States and relevant organizations to give immediate consideration to them, in particular the calls of the Special Rapporteur:

(a) For the opening of humanitarian relief corridors to prevent the death and deprivation of the civilian population and to open Tuzla airport to relief deliveries, and for the immediate release of detainees into conditions of safety;

(b) For the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims;

(c) For more generous international assistance to refugees fleeing the conflict, and to the States that receive them;

(d) For increased support to initiatives to assist persons displaced by the conflict, with attention to the special needs of urban families and orphans;

(e) For the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns;

(f) For the attention of the international community to the need for an effective response to counter the policy of ethnic cleansing;

31. Draws attention to the need for an immediate and urgent investigation by qualified experts of a mass grave near Vukovar and other mass grave sites and places where mass killings are reported to have taken place, and requests the

Secretary-General, within existing resources, to make available the necessary means for this undertaking;

32. Invites the Commission on Human Rights at its fifty-first session to request the Special Rapporteur to report to the General Assembly at its fiftieth session;

33. Decides to continue its examination of this question at its fiftieth session under the item entitled "Human rights questions".

DRAFT RESOLUTION II

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 29/ the International Covenants on Human Rights 30/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 48/150 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, 31/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

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29/ Resolution 217 A (III).

30/ Resolution 2200 A (XXI), annex.

31/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Recalling further Commission on Human Rights resolution 1994/85 of 9 March 1994, 32/ by which the Commission extended for one year the mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour and forced relocations, abuse of women, politically motivated arrests and detentions, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 33/ for the protection of victims of war, the conclusion of cease-fire agreements with several groups of ethnic and religious minorities in Myanmar, the withdrawal of its reservations to the Convention on the Rights of the Child 34/ and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the cooperation between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on the voluntary repatriation of refugees from Bangladesh to Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his interim report; 35/

2. Also expresses its appreciation to the Secretary-General for his report; 36/

3. Deplores the continued violations of human rights in Myanmar;

32/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

33/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

34/ Resolution 44/25.

35/ A/49/594 and Add.1, annex.

36/ A/49/716.

4. Repeats its call on the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her sixth year of detention without trial, and other political leaders and remaining political prisoners;

5. Welcomes the recent meetings between the Government of Myanmar and Nobel Peace Prize Laureate Aung San Suu Kyi, and encourages the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives from ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

6. Also welcomes the recent discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to continue to cooperate fully with the Secretary-General;

7. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties can function freely;

8. Notes with concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also that there is as yet no process nor timetable for concluding the National Convention;

9. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

10. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

11. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights 30/ and the International Covenant on Economic, Social and Cultural Rights 30/ and to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; 37/

37/ Resolution 39/46, annex.

12. Urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention 1984 (No. 87) of the International Labour Organization;

13. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

14. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent with regard to the procedures of the National Convention and persons sentenced, inter alia, for seeking to communicate with the Special Rapporteur;

15. Also regrets that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

16. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 12 August 1949, 33/ in particular the obligations in article 3 common to the Conventions, and to make use of such services as may be offered by impartial humanitarian bodies;

17. Expresses its concern at the attack by Myanmar army soldiers on the civilian refugee camp at Halockhani on 21 July 1994;

18. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

19. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and in its efforts to achieve national reconciliation, and to report to the General Assembly at its fiftieth session and to the Commission on Human Rights at its fifty-first session;

20. Decides to continue its consideration of this question at its fiftieth session.

DRAFT RESOLUTION III

Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 38/ the International Covenants on Human Rights 39/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 40/

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 41/ and recalling also the declaration AHG/Decl.1 (XXVI), adopted at the twenty-sixth ordinary session, held at Addis Ababa in July 1990, 42/

Recalling also its resolution 48/147 of 20 December 1993 and Commission on Human Rights resolution 1994/79 of 9 March 1994 on the situation of human rights in the Sudan, 43/

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, 44/ at its forty-ninth session by the Special Rapporteur on the question of religious intolerance 45/ and at its fiftieth

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38/ Resolution 217 A (III).

39/ Resolution 2200 A (XXI), annex.

40/ Resolution 2106 A (XX), annex.

41/ See A/47/558, annex II.

42/ See A/45/482, annex II.

43/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

44/ E/CN.4/1993/26 and E/CN.4/1993/46, respectively.

45/ E/CN.4/1993/62 and Corr.1 and Add.1.

session by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture, 46/

Welcoming the latest report of the Special Rapporteur on the situation of human rights in the Sudan, 47/ and noting with concern the continuing violations of human rights in the Sudan,

Recalling the statement by the Chairman of the fiftieth session of the Commission on Human Rights, at its sixty-first meeting, 48/ that Special Rapporteurs are the result of a solemn decision of the international community and that to cast any doubts on the integrity of the Special Rapporteurs is to cast them on the Commission itself,

Concerned that repeated attacks by airplanes of the Government of the Sudan on civilian targets in southern Sudan, which are in clear violation of international humanitarian law, have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers,

Emphasizing that it is the duty of all parties to the conflict in the Sudan to protect relief workers,

Deeply concerned that access by the civilian population to humanitarian assistance continues to be impeded, which represents a threat to human life and constitutes an offence to human dignity, but welcoming continuing dialogue between the Government of the Sudan and other parties, donor Governments and international private voluntary agencies regarding the delivery of humanitarian aid, and expressing the hope that such dialogue will result in improved cooperation for the delivery of humanitarian assistance to all persons in need,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries and conscious of the burden that this places on those countries, but expressing its appreciation for the efforts of host countries and of the international community to assist the refugees,

Deeply concerned at reports of the persistence of forced or compulsory labour in northern and southern Sudan alike, despite its prohibition by Sudanese and international law,

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46/ E/CN.4/1994/7 and Corr.1-2 and Add.1-2 and E/CN.4/1994/31, respectively.

47/ A/49/539, annex.

48/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. XII, para. 480.

Gravely alarmed by repeated instances of violence against innocent civilians in the Sudan, including by the Government against displaced persons in the north and by the rebels in the south,

Disturbed by the continuing failure of the Government of the Sudan to provide for a full impartial investigation of the killings of Sudanese national employees of foreign government relief organizations,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan, including those violations of human rights which have occurred in the Nuba Mountains,

Deeply concerned at the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice, as contained in the report of the Special Rapporteur,

Recognizing the fact that the Sudan has been hosting large numbers of refugees from several neighbouring countries over the past three decades,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

1. Expresses its deep concern at the serious and continuing human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons, torture and forced labour;

2. Expresses its thanks to the Special Rapporteur for his most recent report; 46/

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Notes with displeasure the interference by the Government of the Sudan with the visit to the Sudan of the Special Rapporteur during September 1993, including the arrests of people who met with or tried to meet with the Special Rapporteur;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, 49/ the Slavery Convention, 50/ as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 51/ and to ensure

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49/ Resolution 44/25, annex.

50/ United Nations, Treaty Series, vol. 212, p. 17.

51/ E/CN.4/Sub.2/AC.2/1992/2.

that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

6. Urges the Government of the Sudan to cease immediately all aerial attacks and other attacks that are in violation of international humanitarian law, and to explain without delay the circumstances of the repeated air attacks on civilian targets in southern Sudan;

7. Notes with appreciation the ongoing regional efforts by several heads of State of States members of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

8. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of heads of State of States members of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda);

9. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and to facilitate their early return to the Sudan, and welcomes efforts to facilitate dialogue to that end among the parties;

10. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, 52/ and the Additional Protocols thereto, of 1977, 53/ to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of land-mines by government and rebel forces alike;

11. Again calls upon the Government of the Sudan and all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver humanitarian assistance to all persons in need;

12. Calls again upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employed by foreign relief organizations and foreign Governments;

52/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

53/ Ibid., vol. 1125, Nos. 17512 and 17513.

13. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

14. Requests the Secretary-General to continue to provide the Special Rapporteur all necessary assistance in the discharge of his mandate;

15. Calls upon the Government of the Sudan to extend its full and unreserved cooperation to and to assist the Special Rapporteur in the ongoing discharge of his mandate, and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

16. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights at its fifty-first session to give urgent attention to the situation of human rights in the Sudan;

17. Decides to continue its consideration of this question at its fiftieth session.

DRAFT RESOLUTION IV

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 54/ and the International Covenants on Human Rights, 55/

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, 56/ signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Recalling Commission on Human Rights resolution 1994/61 of 4 March 1994 57/ and General Assembly resolution 48/154 of 20 December 1993, and previous relevant resolutions, including Commission on Human Rights

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54/ Resolution 217 A (III).

55/ Resolution 2200 A (XXI), annex.

56/ See A/46/608-S/23177; see Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991, document S/23177.

57/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

resolution 1993/6 of 19 February 1993, 58/ which recommended the appointment of a Special Representative in Cambodia and the subsequent appointment by the Secretary-General of a Special Representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991, 56/

Welcoming the establishment in Cambodia of the office of the Centre for Human Rights,

1. Requests the Secretary-General to assure the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing United Nations resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights of the Secretariat;

2. Welcomes the report of the Secretary-General to the General Assembly on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights; 59/

3. Also welcomes the visit to Cambodia of the United Nations High Commissioner for Human Rights;

4. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

5. Takes note with appreciation of the report submitted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia 60/ and endorses his recommendations and conclusions, including those aimed at:

(a) Ensuring the independence of the judiciary and the establishment of the rule of law;

(b) The promotion and protection of civil rights;

(c) The promotion of multi-cultural tolerance and acceptance of ethnic diversity within Cambodia;

58/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

59/ A/49/635/Add.1.

60/ A/49/635.

6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made by the Special Representative in his report, 60/ and those contained in his first report, 61/ are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, including measures in the fields of education concerning human rights and legal education;

9. Also welcomes the improvements in conditions of prisons and in creating a functioning system of justice, and urges that efforts continue in these areas;

10. Expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his report and encourages the Government of Cambodia to investigate thoroughly allegations of human rights abuse and to prosecute those who are guilty of human rights offences in accord with due process of law;

11. Also expresses grave concern about the outrages committed by the outlawed Khmer Rouge, including the massacre of approximately fifty villagers in Battambang Province in October 1994, the numerous recent incidents of kidnapping of villagers, the taking and killing of foreign hostages and other deplorable incidents detailed in the report of the Special Representative;

12. Condemns unreservedly all threats by the outlawed Khmer Rouge to the safety of persons involved in development assistance activities in rural Cambodia;

13. Expresses grave concern at the indiscriminate use of anti-personnel land-mines in Cambodia and the devastating consequences and destabilizing effects such mines have on Cambodian society, and encourages the Government of Cambodia to continue its support for the removal of these mines;

14. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

15. Requests the Government of Cambodia to meet punctually its reporting obligations under international treaties, drawing on the assistance, where appropriate, of the office in Cambodia of the Centre for Human Rights;

61/ E/CN.4/1994/73 and Add.1.

16. Encourages the Government of Cambodia to enact a press law which is consistent with international standards and which promotes press responsibility while protecting freedom of expression;

17. Requests the Centre for Human Rights to assist, with the consent and cooperation of the Government of Cambodia, in providing advice and technical assistance with respect to the creation of an independent national institution for the protection and promotion of human rights, such as an ombudsman or a human rights commission;

18. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as in supporting non-governmental organizations and others involved in the protection and promotion of human rights in cooperation with the Government of Cambodia, and condemns unreservedly attacks on them;

19. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities for the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights;

20. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;

21. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

22. Decides to continue its consideration of the situation of human rights in Cambodia at its fiftieth session.

DRAFT RESOLUTION V

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human

Rights, 62/ the International Covenants on Human Rights 63/ and other applicable human rights instruments,

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Recalling its resolution 48/142 of 20 December 1993, in which it regretted profoundly the numerous reports of violations of basic human rights and fundamental freedoms,

Taking particular note of Commission on Human Rights resolution 1994/71 of 9 March 1994, 64/ in which the Commission recognized with deep appreciation the efforts of the Special Rapporteur to carry out his mandate concerning the situation of human rights in Cuba,

Expressing concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur, 65/

Recalling the continued failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1994/71 66/ by refusing to permit the Special Rapporteur to visit Cuba, and the refusal of the Government of Cuba to respond to the most recent request by the Special Rapporteur to visit Cuba pursuant to his mandate,

Noting the recent visit to Cuba of the United Nations High Commissioner for Human Rights,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba; 65/

2. Expresses its full support for the work of the Special Rapporteur on Cuba;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

62/ Resolution 217 A (III).

63/ Resolution 2200 A (XXI), annex.

64/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

65/ A/49/544, annex.

66/ E/CN.4/1994/51.

4. Regrets profoundly the numerous reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur to the Commission on Human Rights 66/ and in his interim report; 65/

5. Requests that the Government of Cuba recognize the right of political parties and non-governmental organizations to function legally in the country, allow for freedom of expression, information and assembly and the freedom to demonstrate peacefully, and that it review sentences for crimes of a political nature;

6. Calls upon the Government of Cuba to adopt the other measures proposed in the interim report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to international standards in accordance with international law and applicable international human rights instruments and to end all violations of human rights by, inter alia, ratifying international human rights instruments, ceasing the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association, respecting due process and granting permission for access to the prisons by national independent groups and international humanitarian agencies;

7. Decides to continue its consideration of this question at its fiftieth session.

DRAFT RESOLUTION VI

Human rights in Haiti

The General Assembly,

Recalling its resolution 48/151 of 20 December 1993,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 67/ and the International Covenants on Human Rights, 68/ and aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1994/80 of 9 March 1994, 69/ in which the Commission decided to extend for one more year the mandate of the Special Rapporteur, with a view to having him submit a

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67/ Resolution 217 A (III).

68/ Resolution 2200 A (XXI), annex.

69/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recognizing the efforts of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States and the former Special Envoy to re-establish democratic institutions in Haiti,

Welcoming the appointment of the new Special Representative of the Secretary-General for Haiti,

Recognizing the work carried out by the International Civilian Mission to Haiti, when circumstances allowed it, for the defence of human rights in Haiti,

Welcoming the re-establishment of the democratic system and the return of the constitutionally elected President of the Republic of Haiti, Mr. Jean-Bertrand Aristide,

1. Expresses its satisfaction at the return of President Jean-Bertrand Aristide to Haiti on 15 October 1994 and the re-establishment of constitutional order;

2. Urges the Haitian authorities to continue to promote full respect for human rights and fundamental freedoms, in conformity with the relevant international covenants in the field of human rights;

3. Requests the Secretary-General, through the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat, to take appropriate steps to ensure financial and human resources for the urgent establishment, in conjunction with the International Civilian Mission to Haiti, of a special programme of assistance to the Government and people of Haiti in their efforts to ensure the observance of human rights;

4. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni-Celli, on the situation of human rights in Haiti 70/ and the recommendations contained therein;

5. Commends the cooperation between the Secretary-General of the United Nations and the Secretary-General of the Organization of American States and requests the speedy return to Haiti of all members of the International Civilian Mission to Haiti, with the task of verifying compliance by Haiti with its international human rights obligations, namely, to promote respect for the rights of all Haitians and to contribute to the strengthening of democratic institutions;

6. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fiftieth session, on the basis of information provided by the Commission on Human Rights and the Economic and Social Council.

70/ A/49/513, annex.

DRAFT RESOLUTION VII

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 71/ and the International Covenants on Human Rights, 72/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its relevant resolutions, including the most recent, resolution 48/145 of 20 December 1993, as well as those of the Commission on Human Rights, including the most recent, resolution 1994/73 of 9 March 1994, 73/ and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1994/16 of 25 August 1994,

Noting that the Government of the Islamic Republic of Iran has responded to the request of the Special Representative of the Commission on Human Rights for information concerning allegations of human rights violations in that country, but that it did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation there,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the observation of the Special Representative that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

Noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1994/16, condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

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71/ Resolution 217 A (III).

72/ Resolution 2200 A (XXI), annex.

73/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

1. Takes note with appreciation of the interim report of the Special Representative of the Commission on Human Rights 74/ and the considerations and observations contained therein;

2. Expresses its concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative in his recent reports with regard to the human rights situation in the Islamic Republic of Iran, namely, the continued high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, a failure to meet international standards with regard to the administration of justice, the absence of guarantees of due process of law, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community is threatened, lack of adequate protection for the Christian minorities, some of whom have recently been the target of intimidations and assassinations, restrictions on the freedom of expression, thought, opinion and the press, and, as noted by the Special Representative, continued widespread discrimination against women;

4. Expresses its grave concern at the continued widespread use of the death penalty, especially where its use is in violation of the relevant provisions of the International Covenant on Civil and Political Rights; 72/

5. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country and thus has not enabled him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in sections IV and V of his report, in particular as regards the administration of justice and due process of law;

74/ A/49/514, annex; see also A/49/514/Add.1 and 2.

10. Urges the Government of the Islamic Republic of Iran to carry out thorough, careful and impartial investigations into the assassination cases of the three Christian ministers mentioned in the report of the Special Representative;

11. Also urges the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups and other persons belonging to minorities, enjoy the rights recognized in those instruments;

12. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

13. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION VIII

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 75/ and the International Covenants on Human Rights, 76/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

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75/ Resolution 217 A (III).

76/ Resolution 2200 A (XXI), annex.

Recalling its resolution 48/144 of 20 December 1993, in which it expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 77/ by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1994/74 of 9 March 1994, 78/ by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recalling also Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Deeply concerned by the deterioration of the overall human rights situation in Iraq and the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law, and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, where the combination of massive drainage projects and wide-ranging military operations on the part of

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77/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

78/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

the Government of Iraq has forced residents of the marshes to flee in large numbers, many of whom have sought refuge on the border between Iraq and the Islamic Republic of Iran,

Welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq or to cooperate with him, in particular by failing to reply to the inquiries of the Special Rapporteur about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights 79/ and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of recent decrees prescribing cruel and unusual punishment, namely, mutilation as a penalty for certain offences and the abuse and diversion of medical care services for the purposes of such legalized mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, expression and association and violations of property rights;

79/ A/49/651, annex.

(f) The unwillingness of the Government of Iraq to honour its responsibilities as regards the economic and social rights of the population, especially with regard to the rights to food and health;

3. Condemns the repression of the Iraqi civilian population in general, and of the political opposition in particular;

4. Deplores the refusal of Iraq to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991), which provide for the sale of oil in return for humanitarian aid, and its resultant failure to provide the Iraqi population with access to adequate food and health care;

5. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls upon the Government of Iraq in particular:

(a) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(b) To improve substantially its cooperation with international humanitarian organizations in an effort to resolve the cases of disappeared Kuwaitis and nationals of other States;

(c) To pay appropriate compensation to the families of such persons who died while in custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

6. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights 76/ and to the International Covenant on Civil and Political Rights, 76/ to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and, particularly, to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

7. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, inter alia, through the continued implementation of the Memorandum of Understanding signed by the United Nations and the Government of Iraq;

8. Expresses special alarm at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

9. Also expresses special alarm at the grave violations of human rights in southern Iraq, and urges the Government of Iraq to implement without further delay the recommendations made by the Special Rapporteur, including, inter alia, the immediate halting and reversal of the draining of the marshes and the cessation of its military activities against the marsh Arabs, whose survival as a community is endangered;

10. Welcomes the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

11. Once again expresses its special alarm at the continuation of all internal embargoes, which permit no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq and to act to take advantage of the "food for oil" formula as set forth in Security Council resolutions 706 (1991) and 712 (1991);

12. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights experts to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. Decides to continue its consideration of the situation of human rights in Iraq during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION IX

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 80/ the International Covenants on Human Rights, 81/ the

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80/ Resolution 217 A (III).

81/ Resolution 2200 A (XXI), annex.

International Convention on the Elimination of All Forms of Racial Discrimination, 82/ the Convention on the Prevention and Punishment of the Crime of Genocide 83/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 84/

Recalling its resolution 48/153 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/76 of 9 March 1994, 85/ and its previous resolutions 1992/S-1/1 of 14 August 1992, 86/ 1992/S-2/1 of 1 December 1992 87/ and 1993/7 of 23 February 1993, 88/

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, 89/ in which he stated that the situation in Kosovo has deteriorated further in the course of the past six months, as well as his earlier reports, 90/ in which he described the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their

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82/ Resolution 2106 A (XX), annex.

83/ Resolution 260 A (III).

84/ Resolution 39/46, annex.

85/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

86/ Ibid., 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1), chap. II.

87/ See E/1992/22/Add.2-E/CN.4/1992/84/Add.2.

88/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

89/ A/49/641-S/1994/1252, annex.

90/ E/CN.4/1993/50 and E/CN.4/1994/110.

properties, discrimination against Albanian pupils and teachers, the closing of Albanian-language secondary schools and university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activities, maltreating and imprisoning them;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals from clinics and hospitals of doctors and members of other categories of the medical profession of Albanian origin;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary migration, and noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/9 of 20 August 1993, 91/ considered that these measures and practices constitute a form of ethnic cleansing;

Recognizing that the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. Strongly condemns the measures and practices of discrimination and the violations of human rights of ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Condemns the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in education, the administrative and judiciary branches of government, education, health care and employment aimed at forcing ethnic Albanians to leave;

3. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

91/ E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. II, sect. A.

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Establish genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Reopen the cultural and scientific institutions of the ethnic Albanians;

(e) Pursue dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission in its resolution 1994/76 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

9. Decides to continue examination of the human rights situation in Kosovo at the fiftieth session under the item entitled "Human rights questions".

DRAFT RESOLUTION X

Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 92/ the International Covenants on Human Rights, 93/ the International Convention on the Prevention and Punishment of the Crime of Genocide, 94/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 95/ the Convention on the Elimination of All Forms of Discrimination against Women, 96/ the Convention on the Rights of the Child 97/ and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949 98/ and the Additional Protocols thereto, of 1977, 99/

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recalling also Commission on Human Rights resolution 1994/77 of 9 March 1993, 100/ entitled "Rape and abuse of women in the territory of the former Yugoslavia", and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Appalled at the continuing and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its use against the Muslim women and children in Bosnia and Herzegovina and other non-Serbs by Serbian forces,

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92/ Resolution 217 A (III).

93/ Resolution 2200 A (XXI), annex.

94/ Resolution 260 A (III).

95/ Resolution 39/36, annex.

96/ Resolution 34/180, annex.

97/ Resolution 44/25, annex.

98/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

99/ Ibid., vol. 1125, Nos. 17512 and 17513.

100/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the reports and recommendations of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

Taking note with deep concern of the reports on the findings of the Special Rapporteur regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Welcoming the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun, and, in this context, encouraging the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations, so that the Tribunal can conduct, without any interference and further delay, its stipulated functions of trying those accused of and punishing those responsible for the perpetration of violations of international law,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate and without further delay,

Underlining, in this context, the need for the protection of the rape victims, and provision of effective guarantees of privacy and confidentiality of the rape victims, desirous of facilitating their participation in the proceedings of the Tribunal and ensuring that further traumatization will be prevented,

Stressing the need for further development and strengthening of a programme for protection of witnesses and survivors of sexual abuse and rape as a war crime who provide testimonies, in order to provide effective protection against retribution, and in this context expressing its support for the Victims and Witnesses Unit of the Tribunal,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of the Office of the United Nations High Commissioner for Refugees, humanitarian organizations and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account resolution 37/9 of 18 March 1994 of the Commission on the Status of Women, 101/

Taking note of the report of the Secretary-General submitted pursuant to resolution 48/143, 102/

1. Strongly condemns the continuing abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. Expresses its outrage that the continuing and systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the Republic of Bosnia and Herzegovina;

3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 12 August 1949 98/ and the Additional Protocols thereto, of 1977, 99/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Condemns the continuous and persistent denial of access by the Bosnian Serb forces to the Special Rapporteur, the Special Representative of the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force, as well as other relevant humanitarian and human rights organizations, in the Serb-held areas, in particular Banja Luka, Bijeljina and other areas of concern, and demands that immediate and unimpeded access be granted, and in this context welcomes Security Council resolution 941 (1994) of 23 September 1994;

6. Reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

7. Declares that rape is a heinous crime and encourages the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

101/ See Official Records of the Economic and Social Council, 1994, Supplement No. 7 (E/1994/27).

102/ A/48/858.

8. Urges Member States to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

9. Urges the Chief Prosecutor to consider the appointment to his office of experts in the prosecution of crimes of sexual violence, as recommended in its resolution 48/153 of 20 December 1993;

10. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and Tribunal;

11. Encourages the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to pay particular attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina, and acknowledges the work done by his team of female experts;

12. Urges all States and relevant organizations to give immediate and serious consideration to the recommendations of the Special Rapporteur in his reports, in particular the recommendation for the provision for the continuation of necessary medical and psychological care of victims of rape within the framework of programmes to rehabilitate women and children traumatized by war;

13. Calls upon all States to cooperate with the International Tribunal and the Office of the Prosecutor in the investigation and prosecution of persons accused of using rape as a weapon of war and in the provision of protection, counselling and support to victims and witnesses;

14. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are at present among the internally displaced or otherwise affected by the war, and who have experienced severe trauma and require psychosocial and other assistance;

15. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

16. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

17. Also requests the Secretary-General to submit an updated and substantive report no later than 1 March 1995 on the issue of rape and abuse of women in the areas of armed conflict in the Republic of Bosnia and Herzegovina, in particular in those areas where access is being denied to the Special

Rapporteur and on the measures taken towards implementation of the present resolution;

18. Decides to continue the consideration of this question at its fiftieth session.

DRAFT RESOLUTION XI

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 103/ the International Covenant on Economic, Social and Cultural Rights, 104/ the International Covenant on Civil and Political Rights, 104/ the Convention on the Prevention and Punishment of the Crime of Genocide, 105/ and other applicable human rights and humanitarian law instruments,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, 106/ by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda,

Recalling the establishment of the Commission of Experts pursuant to Security Council resolution 935 (1994) of 1 July 1994 to report on grave violations of international humanitarian law in Rwanda,

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda, resulting in massive loss of life,

Also deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman and degrading treatment and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the

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103/ Resolution 217 A (III).

104/ Resolution 2200 A (XXI), annex.

105/ Resolution 260 A (III).

106/ E/1994/24/Add.2-E/CN.4/1994/132/Add.2, chap. II.

civilian population, especially women, children, the elderly and the disabled, 107/

Noting that, following the cease-fire of 18 July 1994, a new Government of Rwanda has been established and has made efforts to restore the rule of law and reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, summary executions and destruction of property, and welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Concerned about the danger posed by continuing incidences of violence and intolerance in Rwanda, which impede the full realization of civil, political, economic, social and cultural rights,

Also concerned about the fact that these occurrences create a climate of insecurity, which prevents refugees and displaced persons from returning to their homes, conscious that the return to their homes is essential for the normalization of the situation in Rwanda and countries of the region, and concerned, in addition, about reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning home,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda,

Concerned by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps outside Rwanda,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and non-governmental organizations, as well as of the Commission on Human Rights and its special rapporteurs,

Commending the initiatives taken by the United Nations High Commissioner for Human Rights, including his timely visits to Rwanda, and welcoming his efforts to ensure that the Special Rapporteur is assisted by a team of human rights field officers acting in close cooperation with the United Nations

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107/ See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. I, para. 29.

Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, and his efforts to facilitate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur,

Conscious of the important role human rights field officers will have in establishing an environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations, mindful of the need for the speedy deployment of a sufficient number of such officers to fulfil this role and endorsing the Secretary-General's encouragement to Member States to provide contributions to expand human rights activities in the field,

Stressing the need for the implementation by all parties in Rwanda of the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993, 108/ which constitutes the framework for peace, national reconciliation and unity in Rwanda, and noting with appreciation the efforts of the Chairman and Secretary General of the Organization of African Unity, the President of the United Republic of Tanzania, Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha peace process,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment schedule for the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources that can be effectively sustained by the United Nations, and supporting the Secretary-General's encouragement, under the Rwanda Emergency Normalization Plan, to States Members of the United Nations, United Nations agencies and non-governmental organizations to provide immediate and coordinated technical and financial assistance to Rwanda,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

Considering that the international community and the Government of Rwanda must follow closely and continue to support all efforts to consolidate peace,

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108/ See A/48/824-S/26915, annex I.

ensure full respect for human rights and fundamental freedoms and undertake the reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on the situation of human rights in Rwanda; 109/

2. Condemns in the strongest terms all acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, which constitute a blatant violation of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Welcomes the establishment, pursuant to Security Council resolution 955 (1994) of 8 November 1994, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, and urges States to cooperate fully with the International Tribunal;

6. Requests States that have given refuge to persons involved in serious breaches of international humanitarian law, crimes against humanity or acts of genocide to take the necessary steps, in cooperation with the International Tribunal for Rwanda, to ensure that they do not escape justice;

7. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property are still taking place in Rwanda, encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomes the commitments of the Government of Rwanda in this regard;

8. Encourages the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, stresses the need to create an environment conducive to the realization of civil, political, economic, social

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109/ E/CN.4/1995/7 and E/CN.4/1995/12.

and cultural rights, and to the return by refugees and displaced persons to their homes, and welcomes in this regard the commitments made by the Government of Rwanda;

9. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for acts of genocide or other grave violations of international humanitarian law, within its administrative, judicial, political and security structures;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda;

11. Welcomes the efforts of the Government of Rwanda to restore the rule of law and to reconstruct the Rwandese justice system, and invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance for the administration of justice, particularly to ensure the independence and impartiality of the judiciary, and welcomes in this regard the efforts of the Centre for Human Rights of the Secretariat to assist the Ministry of Justice of Rwanda;

12. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance to the system of law enforcement in Rwanda, including police training, and welcomes in this regard the assistance being provided by the United Nations Assistance Mission for Rwanda to the Government of Rwanda in its efforts to establish a new integrated police force;

13. Condemns those preventing, in some instances by force, the voluntary repatriation of refugees, and those obstructing the access of humanitarian relief to all in need, including those in the camps for refugees, and calls on the appropriate authorities to ensure security in such camps;

14. Urges the responsible authorities in Rwanda and in the region to ensure full respect for human rights and fundamental freedoms in the camps for refugees and displaced persons;

15. Welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the personnel providing humanitarian assistance to the refugees;

16. Urges Governments of the region to take measures to prevent their territory from being used to pursue a strategy of destabilization within Rwanda;

17. Urges the Rwandese authorities and the Rwandese people to work for national reconciliation and unity in Rwanda, for peace in the country and the

whole region, and to work together to implement the principles contained in the Peace Agreement signed at Arusha, 108/ which constitutes the framework for peace, national reconciliation and unity in Rwanda;

18. Welcomes the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict-resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

19. Also welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights and to the Special Rapporteur, and the acceptance by the Government of Rwanda of the deployment of human rights field officers, bearing in mind the important role of those officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in establishing a climate of confidence, establishing a secure environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations;

20. Invites Member States to intensify further their efforts to support human rights activities in the field in Rwanda;

21. Requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services;

22. Also requests the Secretary-General to provide all resources necessary to enable the Special Rapporteur to fulfil his mandate;

23. Decides to continue its consideration of this question at its fiftieth session.

DRAFT RESOLUTION XII

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 110/ the International Covenants on Human Rights 111/ and accepted humanitarian rules, as set out in the Geneva

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110/ Resolution 217 A (III).

111/ Resolution 2200 A (XXI), annex.

Conventions of 12 August 1949 112/ and the Additional Protocols thereto, of 1977, 113/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 48/152 of 20 December 1993 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note, in particular, of Commission on Human Rights resolution 1994/84 of 9 March 1994, 114/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-ninth session, and of Economic and Social Council decision 1994/268 of 25 July 1994, in which the Council approved the Commission's decision,

Recalling its resolution 48/152 of 20 December 1993, and noting with concern that in 1994 the situation of human rights in Afghanistan has further deteriorated owing to the outbreak of large-scale fighting,

Recalling also the Convention on Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, 115/

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established,

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112/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

113/ Ibid., vol. 1125, Nos. 17512 and 17513.

114/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

115/ United Nations Educational, Scientific and Cultural Organization, General Conference, Records of the Sixteenth Session, vol. 1, p. 135.

Noting with deep concern that in spite of the various efforts and initiatives taken towards ensuring complete peace and stability, including those taken by the Afghan Government, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups and of food blockades, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country is affecting the security of members of all ethnic and religious groups, including minorities,

Concerned in particular that armed confrontation in Afghanistan has brought about a situation where a unified judicial system cannot be established throughout the country,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, 111/ such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the recurring violations of human rights specific to or primarily directed against women by some members of warring factions in Afghanistan, and about the lack of respect towards them and their physical integrity and dignity, as reported by the Special Rapporteur,

Concerned at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties,

Noting with concern that weapons and other military material are acquired by some factions through the production and sale of illicit drugs,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Deeply concerned at the situation of refugees and internally displaced persons, which has worsened in 1994 owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow an early resumption of the repatriation of those still in exile,

Noting with appreciation the efforts undertaken by some neighbouring countries to provide assistance to Afghan refugees pending their repatriation, despite diminishing financial and other resources,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about three million refugees and, in particular, for the achievement of a comprehensive political solution and the establishment of a freely and democratically elected Government, the end of armed confrontation in Kabul and in some provinces, the clearance of minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the 1992 declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival parties without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur 116/ and of the conclusions and recommendations contained therein,

Commending the efforts by the Special Rapporteur to implement Commission on Human Rights resolution 1994/45 of 4 March 1994 114/ and the Vienna Declaration and Programme of Action, 117/ adopted by the World Conference on Human Rights on 25 June 1993, by including in his report information on human rights violations affecting women,

Noting that the Special Rapporteur visited four provinces in Afghanistan, while regretting that he was unable to visit Kabul owing to the continuous shooting of rockets and artillery on the capital,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about three million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

116/ A/49/650, annex.

117/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan, and in particular the efforts of the United Nations Special Mission to Afghanistan established in pursuance of General Assembly resolution 48/208 of 21 December 1993, with the mandate to canvass a broad spectrum of the leaders of Afghanistan, soliciting their views on how the United Nations can best assist Afghanistan in facilitating national rapprochement and reconstruction, and to submit its findings, conclusions and recommendations to the Secretary-General for appropriate action;

5. Notes with appreciation the cooperation the Afghan people and leaders have provided to the Special Mission and urges all the Afghan parties to continue to work with it with a view to achieving a comprehensive solution to the crisis in Afghanistan;

6. Urges both the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

7. Invites the United Nations to offer, upon the request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

8. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all the Afghan parties to respect human rights;

9. Urges all the Afghan parties to respect accepted humanitarian rules, as set in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave human rights violations and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Strongly urges all the Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity may be ensured in accordance with the provisions of international human rights instruments and humanitarian law;

12. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of

War, of 12 August 1949, 118/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as a result of the war;

13. Urges the unconditional release of all prisoners detained without trial on Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

14. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 119/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d) and 5 to 7, of the International Covenant on Civil and Political Rights;

15. Stresses the need for humanitarian aid deliveries to be effected through unhindered access to all main routes to Kabul;

16. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan in order to contribute to the alleviation of the suffering of refugees and especially to the improvement of the living conditions of women and children, widows and orphans, and calls upon neighbouring countries to continue providing assistance to Afghan refugees;

17. Urges the international community to sustain the increasing financial efforts undertaken by humanitarian organizations, such as the Office of the United Nations High Commissioner for Refugees and other organizations of the United Nations, and non-governmental organizations, to assist the Afghan refugees;

18. Urges the United Nations High Commissioner for Refugees to continue to assist the Afghan refugees in the neighbouring countries until their voluntary repatriation can be effected, without prejudice to their security and to the enjoyment of their basic economic and social rights;

19. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

118/ United Nations, Treaty Series, vol. 75, No. 972.

119/ See Human Rights, A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

20. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

21. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

22. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

23. Recommends the translation of the report of the Special Rapporteur into the Dari and Pashtu languages;

24. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

25. Calls upon the Special Rapporteur to continue to gather information about specific instances of grave human rights violations and to broaden and intensify efforts in addressing human rights violations that are specific to or primarily directed against women, in order to assure the effective protection of their human rights;

26. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

27. Decides to keep under consideration at its fiftieth session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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62. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with human rights situations and reports of special rapporteurs and representatives

The General Assembly takes note of the following documents:

(a) Report of the Secretary-General on the situation of human rights in Myanmar; 120/

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda; 121/

(c) Note by the Secretary-General transmitting the report of the representative of the Secretary-General on internally displaced persons; 122/

(d) Note by the Secretary-General transmitting the report of the Ad Hoc Working Group of Experts on southern Africa. 123/

120/ A/49/716.

121/ A/49/508-S/1994/1157 and Add.1.

122/ A/49/538.

123/ A/49/543.

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HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Report of the Third Committee (Part V)*

Rapporteur: Mr. Nicolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At is 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" and to allocate it to the Third Committee.

2. The Committee considered the item at its 33rd, 38th to 48th, 53rd, 55th to 57th, 59th and 62nd-67th meetings, on 16 and 22 to 30 November and on 5 to 8, 10 and 12 to 14 December 1994. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/49/SR.38-48, 53, 55-57, 59 and 62-67).

3. For the documents before the Committee under this item, see document A/49/610.

4. At the 33rd meeting, on 16 November, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/49/SR.33).

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* The report of the Committee on agenda item 100 will be issued in six parts, under the symbol A/49/610 and Add.1-5.

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II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/49/L.36 and Rev.1

5. On 2 December, Ukraine submitted a draft resolution entitled "Increased coordination within the United Nations system in the field of human rights" (A/C.3/49/L.36).

6. At the 62nd meeting, on 10 December, the representative of Ukraine, on behalf of Poland and Ukraine, as well as Ireland and the United Kingdom of Great Britain and Northern Ireland, joined subsequently by Denmark, Finland, Germany, Iceland, Norway, Spain and Sweden, introduced a revised draft resolution entitled "Increased coordination within the United Nations system in the field of human rights" (A/C.3/49/L.31/Rev.1), which contained the following changes:

(a) In the fifth preambular paragraph, the words "organs, bodies and specialized agencies" were replaced with the words "organs and bodies and the specialized agencies";

(b) In the sixth preambular paragraph, the word "specialized" was added before the word "agencies";

(c) The seventh preambular paragraph, which had read:

> "Taking note of the articles of the agreements with the specialized agencies providing for the transmission of reports to the United Nations,"

was revised to read:

> "Taking note of the provisions of the agreements between the United Nations and the specialized agencies governing the transmission of reports,";

(d) In the ninth preambular paragraph, the words "organs, bodies and" were replaced with the words "organs and bodies and", and the words "based on" were replaced with the words "on the basis of";

(e) In operative paragraph 1, the words "in accordance with his mandate, notably" were inserted before the words "as outlined";

(f) In the first line of operative paragraph 2, the words "of the Secretariat" were added after the words "Centre for Human Rights";

(g) In operative paragraph 2 (a), the word "Increase" was replaced with the words "To increase";

(h) In operative paragraph 2 (b), the words "Open a" were replaced with the words "To deepen its";

(i) Operative paragraph 3, which had read:

"3. Calls upon Member States to pursue a coordinated policy in order that full cooperation may be achieved between the United Nations and the specialized agencies in the field of human rights;"

was revised to read:

"3. Calls upon Member States to pursue coordinated policies in support of full cooperation between the United Nations and the specialized agencies in the field of human rights;"

(j) Operative paragraphs 4 and 5 were deleted and the subsequent paragraphs renumbered accordingly;

(k) Operative paragraph 6, which had read:

"6. Invites the United Nations High Commissioner for Human Rights to request Governments, United Nations specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the coordination within the United Nations system;"

was revised to read:

"5. Invites the United Nations High Commissioner for Human Rights, in accordance with his mandate and in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, to make recommendations on the strengthening of the coordination within the United Nations system;".

7. In introducing the revised draft resolution, the representative of Ukraine orally revised it as follows:

(a) In operative paragraph 1, the words "to continue" should be added after the words "High Commissioner for Human Rights",

(b) In operative paragraph 6, the words "as a sub-item" should be deleted.

8. At its 67th meeting, on 14 December, on the proposal of the Chairman, the Committee decided, without a vote, to refer draft resolution A/C.3/49/L.36/Rev.1 to the Working Group of the Third Committee for further consideration (see A/C.3/49/SR.67) (see para. 15, draft decision I).

B. Draft resolution A/C.3/49/L.55

9. At the 62nd meeting, on 10 December, the representative of Austria, on behalf of Afghanistan, Albania, Andorra, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Ethiopia, Finland, Germany, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Liechtenstein, Lithuania, Luxembourg, Malta, Morocco,

the Netherlands, the Niger, Pakistan, Panama, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Samoa, Slovenia, South Africa, Spain, Sweden, Turkey, Ukraine and Venezuela, as well as Estonia, France, Georgia, Guatemala, Israel, Kazakhstan, Latvia, Malawi, Micronesia (Federated States of), Marshall Islands, Namibia, Norway, Peru, the former Yugoslav Republic of Macedonia and Slovakia, joined subsequently by Argentina, Bhutan, Cape Verde, Croatia, the Czech Republic, El Salvador, Gabon, India, Mauritania, Mongolia, Nepal, New Zealand, Nicaragua, Papua New Guinea, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia, introduced a draft resolution entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" (A/C.3/49/L.55).

10. At the 67th meeting, on 14 December, the representative of Austria orally revised the draft resolution as follows:

(a) In the eleventh preambular paragraph, the words "in his system-wide coordination responsibilities" were replaced with the words "in the coordination of United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141";

(b) In operative paragraph 1, the words "with appreciation" were deleted;

(c) Operative paragraph 9 was replaced with the following:

"9. Requests the High Commissioner for Human Rights, as the United Nations official with principal responsibility for United Nations human rights activities, to submit, no later than 15 February 1995 for the preparation of the programme budget for the biennium 1996-1997, a report with a detailed plan on the human and financial resource requirements of the implementation of the recommendations of the Vienna Declaration and Programme of Action that have been endorsed by the competent United Nations organs or on which those competent have taken decisions".

11. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 14, draft resolution).

Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

12. At its 67th meeting, on 14 December, on the proposal of the Chairman, the Committee decided, without a vote, to recommend to the General Assembly that agenda item 100 (d), entitled "Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action", remain for consideration during the forty-ninth session, in order that the Working Group of the Third Committee may continue its work during the latter part of that session (see para. 15, draft decision II).

13. At the same meeting, the representative of Cuba made a statement (see A/C.3/49/SR.67).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Reaffirming the view of the World Conference on Human Rights that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Welcoming Commission on Human Rights resolution 1994/95 of 9 March 1994 on the World Conference on Human Rights, 2/ in which, inter alia, the Commission called upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates,

Recognizing the urgency of eliminating denials and violations of human rights, as expressed in the Vienna Declaration and Programme of Action,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Bearing in mind that the Vienna Declaration and Programme of Action provide the United Nations and the international community with a coherent framework of principles, objectives and means for promoting and protecting human rights,

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Noting that the activities envisaged in the Vienna Declaration and Programme of Action add further to the workload and the responsibilities of the United Nations human rights system and that the General Assembly at its forty-eighth session took the initial steps towards bridging the gap between resources and the mandated outputs,

Recalling the request of the World Conference on Human Rights to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Taking note of the view of the Secretary-General, as expressed in his report, 3/ that a prompt endorsement of a detailed plan of implementation of the Vienna Declaration and Programme of Action, together with the related necessary financial decisions, could positively facilitate the achievement of the broad range of objectives in human rights set forth by the World Conference on Human Rights,

Noting that at the first regular session of 1994 of the Administrative Committee on Coordination, in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the Conference for their respective programmes and committed themselves to supporting the United Nations High Commissioner for Human Rights in the coordination of United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141,

Having considered the report of the Secretary-General on the follow-up to the World Conference on Human Rights 4/ and the report of the United Nations High Commissioner for Human Rights, 5/

1. Takes note of the report of the Secretary-General on the follow-up to the World Conference on Human Rights 4/ and of the report of the United Nations High Commissioner for Human Rights; 5/

2. Endorses the view of the Secretary-General 6/ that, if adequately implemented, the Vienna Declaration and Programme of Action will be a milestone in history, and that it requires concerted efforts on the part of Governments and national human rights institutions, international organizations, United Nations human rights bodies and non-governmental organizations;

3. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and

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3/ A/49/668, para. 139.

4/ A/49/668.

5/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 36 (A/49/36).

6/ A/49/668, para. 134.

observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

4. Requests the Secretary-General to ensure as wide a distribution of the Vienna Declaration and Programme of Action as possible;

5. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action in order to promote increased awareness of human rights and fundamental freedoms;

6. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the Conference;

7. Requests the Secretary-General, the General Assembly, the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

8. Reiterates the request of the Conference that immediate steps be taken to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations;

9. Requests the High Commissioner for Human Rights, as the United Nations official with principal responsibility for United Nations human rights activities, to submit, no later than 15 February 1995 for the preparation of the programme budget for the biennium 1996-1997, a report with a detailed plan on the human and financial resource requirements of the implementation of the recommendations of the Vienna Declaration and Programme of Action that have been endorsed by the competent United Nations organs or on which those organs have taken decisions;

10. Also requests the High Commissioner to include in his annual report to the General Assembly a section on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action;

11. Decides to consider this question at its fiftieth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

* * *

15. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Increased coordination within the United Nations system in the field of human rights

The General Assembly decides to refer draft resolution A/C.3/49/L.36/Rev.1, entitled "Increased coordination within the United Nations system in the field of human rights" to the Working Group of the Third Committee for further consideration.

DRAFT DECISION II

Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The General Assembly decides that agenda item 100 (d), entitled "Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action", remains for consideration during the forty-ninth session, in order that the Working Group of the Third Committee may continue its work during the latter part of that session.

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HUMAN RIGHTS QUESTIONS: CAPITAL PUNISHMENT

Report of the Third Committee (Part VI)*

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 56th plenary meeting, on 14 November 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Human rights questions: (e) Capital punishment" and to allocate it to the Third Committee.

2. For the documents before the Third Committee under item 100 (e), see document A/49/610.

3. The Committee considered item 100 (e) at its 33rd, 34th, 36th, 38th to 41st, 43rd, 50th, 57th, 60th and 61st meetings, on 16, 17, 21 to 23 and 25 November and on 1 and 7 to 9 December 1994. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/49/SR.33, 34, 36, 38-41, 43, 50, 57, 60 and 61).

4. At the 33rd meeting, on 16 November, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/49/SR.33).

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* The report of the Committee on agenda item 100 will be issued in six parts, under the symbol A/49/610 and Add.1-5.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/49/L.32 AND REV.1 AND AMENDMENTS (A/C.3/49/L.73 AND REV.1 AND A/C.3/49/L.74 AND REV.1)

5. At the 50th meeting, on 1 December, the representative of Italy, on behalf of Andorra, Australia, Austria, Belgium, Cambodia, Cape Verde, Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Ecuador, Finland, France, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Marshall Islands, Monaco, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Portugal, Romania, San Marino, Spain, Sweden, Uruguay and Vanuatu, as well as Bolivia, Germany, Micronesia (Federated States of) and Venezuela, subsequently joined by Argentina, Cyprus, El Salvador, New Zealand, the Dominican Republic, Solomon Islands, Sao Tome and Principe and Slovakia, introduced a draft resolution entitled "Capital punishment" (A/C.3/49/L.32), which read:

"The General Assembly,

"Recalling article 3 of the Universal Declaration of Human Rights, 1/ which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights 2/ and articles 6 and 37 (a) of the Convention on the Rights of the Child, 3/

"Recalling its resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 44/128 of 15 December 1989, by the latter of which it adopted and opened for signature the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

"Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1990/29 of 24 May 1990 and 1990/51 of 24 July 1990,

"Deeply concerned that in some countries that have not yet abolished the death penalty sentence of death is imposed for other than the most serious crimes,

"Also concerned that several countries impose the death penalty on juveniles, pregnant women and insane persons, in disregard of the limitations provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

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1/ Resolution 217 A (III).

2/ Resolution 220 A (XXI), annex.

3/ Resolution 44/25.

"Welcoming that in the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the ad hoc international criminal tribunal on Rwanda and the draft statute for an international criminal court elaborated by the International Law Commission, 4/ capital punishment is excluded from the penalties that these Courts are authorized to impose,

"Convinced that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights,

"1. Calls upon all States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

"2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and in particular to exclude pregnant women and juveniles from capital executions;

"3. Invites all States that have not yet abolished the death penalty to consider the progressive restriction of the number of offences for which the death penalty may be imposed and to exclude insane persons from capital executions;

"4. Encourages all States that have not yet abolished the death penalty to consider the opportunity of instituting a moratorium on pending executions with a view to ensuring that the principle that no State should dispose of the life of any human being be affirmed in every part of the world by the year 2000."

6. At the 57th meeting, on 7 December, the representative of Singapore moved, under rule 116 of the rules of procedure, that no action be taken on draft resolution A/C.3/49/L.32.

7. At the same meeting, statements in favour of the motion were made by the representatives of Algeria and Bangladesh and statements against the motion were made by the representatives of Italy and Ireland (see A/C.3/49/SR.57).

8. Also at the same meeting, the Committee rejected the motion by a recorded vote of 65 to 74, with 20 abstentions. The voting was as follows:

4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. II, sect. B.5.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Burkina Faso, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Fiji, Gabon, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Republic of Korea, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela.

Abstaining: Albania, Azerbaijan, Belarus, Belize, Benin, Botswana, Cameroon, Ethiopia, Gambia, Ghana, Japan, Kazakhstan, Kenya, Mali, Mauritius, Niger, Peru, Philippines, Tunisia, Ukraine.

9. Also at the 57th meeting, the representative of Singapore orally proposed an amendment to draft resolution A/C.3/49/L.32, to insert a new preambular paragraph after the last preambular paragraph, reading:

> "Affirming the sovereign right of States to determine the legal measures and penalties which are appropriate in their societies to combat serious crimes effectively".

10. At the same meeting, the representative of Egypt orally proposed amendments to draft resolution A/C.3/49/L.32, as follows:

(a) In the last preambular paragraph, the word "Convinced" would be replaced with the word "Noting";

(b) In operative paragraph 1, the words "Calls upon" would be replaced with the word "Invites";

(c) In operative paragraph 2, the word "Urges" would be replaced with the word "Encourages".

11. At the same meeting, the representative of India made a statement proposing to defer action on the oral amendments (see A/C.3/49/SR.57).

12. At the same meeting, following statements by the representatives of Slovenia, Italy, Singapore, France and China (see A/C.3/49/SR.57), the Committee decided, without a vote, to postpone action on the draft resolution and the amendments thereto.

13. On 7 December, the representative of Singapore submitted an amendment (A/C.3/49/L.73) to draft resolution A/C.3/49/L.32, by which a new preambular paragraph would be inserted after the last preambular paragraph, reading:

> "Affirming the sovereign right of States to determine the legal measures and penalties which are appropriate in their societies to combat serious crimes effectively".

14. Also on 7 December, the representative of Egypt submitted an amendment (A/C.3/49/L.74) to draft resolution A/C.3/49/L.32, by which:

(a) In the last preambular paragraph, the word "Convinced" would be replaced with the word "Noting";

(b) In operative paragraph 1, the words "Calls upon" would be replaced with the word "Invites";

(c) In operative paragraph 2, the word "Urges" would be replaced with the word "Encourages".

15. At the 60th meeting, on 8 December, the representative of Italy orally revised draft resolution A/C.3/49/L.32, as follows:

(a) In the seventh preambular paragraph, the word "Convinced" was replaced with the word "Noting";

(b) A new preambular paragraph was inserted as the last preambular paragraph, which read:

> "Reaffirming the sovereign right of States to determine, in accordance with international law, including the Charter of the United Nations, the legal measures and penalties which are appropriate to deal with the most serious crimes";

(c) In operative paragraph 1, the words "Calls upon" were replaced with the word "Invites";

(d) In operative paragraph 2, the word "parties" was inserted after the word "States".

16. At the same meeting, statements were made by the representatives of Singapore, Ireland and Finland (see A/C.3/49/SR.60).

17. Also at the same meeting, the representative of Singapore introduced the amendment contained in document A/C.3/49/L.73 (see para. 13).

18. At the same meeting, statements were made by the representatives of Egypt, Finland, Mauritania, Algeria, Ireland, India and Nigeria, as well as by the Chairman (see A/C.3/49/SR.60).

19. Also at the 60th meeting, following a motion put forward by the representative of Ireland, in accordance with rule 119 (a) of the rules of procedure, the meeting was suspended.

20. Upon resumption of the meeting, statements were made by the representatives of Singapore, Egypt, India, Italy, Ireland and Algeria (see A/C.3/49/SR.60).

21. At the 61st meeting, on 9 December, the Committee had before it revised draft resolution A/C.3/49/L.32/Rev.1, which incorporated the oral revisions made by the representative of Italy at the 60th meeting (see para. 15 above), submitted by the sponsors of draft resolution A/C.3/49/L.32, with the exception of the Netherlands. Subsequently, Argentina, Bolivia, Cyprus, the Dominican Republic, El Salvador, Germany, Micronesia (Federated States of), New Zealand, Sao Tome and Principe, Slovakia, Solomon Islands and Venezuela joined in sponsoring the revised draft resolution.

22. At the same meeting, the Committee also had before it a revised amendment (A/C.3/49/L.73/Rev.1) to the revised draft resolution submitted by Singapore, by which the last preambular paragraph would be replaced with the following:

> "Affirming the sovereign right of States to determine the legal measures and penalties which are appropriate in their societies to combat serious crimes effectively".

23. At the same meeting, statements were made by the representatives of Singapore, Ireland, Andorra, Malta, Germany and Egypt (see A/C.3/49/SR.61).

24. Also at the 61st meeting, the Committee adopted the revised amendment contained in document A/C.3/49/L.73/Rev.1 by a recorded vote of 71 to 65, with 21 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone,

Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela.

Abstaining: Albania, Azerbaijan, Belarus, Benin, Bolivia, Croatia, Ecuador, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Guatemala, Kazakhstan, Mali, Mauritius, Mexico, Niger, Togo, Ukraine.

25. At the same meeting, after the adoption of the revised amendment, the sponsors of revised draft resolution A/C.3/49/L.32/Rev.1 withdrew their sponsorship of the revised draft resolution.

26. At the same meeting, the Committee also had before it a revised amendment (A/C.3/49/L.74/Rev.1) to the revised draft resolution submitted by Egypt, by which in operative paragraph 2, the word "Urges" would be replaced with the word "Encourages".

27. At the same meeting, on the proposal of the representative of Egypt, the Committee decided, without a vote, to take no action on the proposed amendment contained in document A/C.3/49/L.74/Rev.1.

28. At the same meeting, the Secretary of the Committee read out a legal opinion in connection with revised draft resolution A/C.3/49/L.32/Rev.1, as follows:

> "The underlying idea of rule 122 was that an amended proposal was no longer the exclusive property of its original sponsors and could therefore no longer be withdrawn by them. However, the sponsors maintained their freedom of action and until such time as the electronic voting machine was turned on, they could withdraw their names from the list of sponsors. In fact a draft resolution which had been amended could theoretically be without sponsors."

29. At the same meeting, the representative of Italy made a statement (see A/C.3/49/SR.61).

30. At the same meeting, the representative of Egypt moved that no action be taken on revised draft resolution A/C.3/49/L.32/Rev.1, as amended.

31. At the same meeting, statements in favour of the motion were made by the representatives of Saudi Arabia and Australia and statements against the motion were made by the representatives of Ireland and Italy (see A/C.3/49/SR.61).

32. The motion was rejected by a vote of 60 to 71, with 23 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Gabon, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Maldives, Mauritania, Mongolia, Morocco, Myanmar, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela.

Abstaining: Albania, Azerbaijan, Belarus, Belize, Benin, Ethiopia, Gambia, Ghana, Honduras, Japan, Kazakhstan, Kenya, Kyrgyzstan, Malaysia, Mali, Mauritius, Mexico, Niger, Philippines, Sri Lanka, Thailand, Tunisia, Ukraine.

33. At the same meeting, statements were made by the representatives of Ireland, Honduras, Denmark (on behalf of the Nordic countries), India, Yemen, Brunei Darussalam, Canada, Algeria, Egypt, Malaysia, Senegal, New Zealand, Kuwait, Portugal, Australia, the Democratic People's Republic of Korea, the Sudan, Saudi Arabia, Andorra, Côte d'Ivoire, France, Malta, Jamaica, Costa Rica, the United Arab Emirates and Peru (see A/C.3/49/SR.61).

34. Also at the 61st meeting, on 9 December, the Committee rejected revised draft resolution A/C.3/49/L.32/Rev.1, as amended, by a recorded vote of 36 to 44, with 74 abstentions. The voting was as follows: 5/

In favour: Argentina, Armenia, Cambodia, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Ecuador, El Salvador, Fiji, Gambia, Georgia, Greece, Haiti, Ireland, Israel, Italy, Kyrgyzstan, Malta, Marshall Islands, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Panama, Paraguay, Portugal, San Marino, Slovenia, the former Yugoslav Republic of Macedonia, Uruguay, Uzbekistan, Venezuela.

Against: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Brunei Darussalam, Cameroon, China, Comoros, Egypt, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Nigeria, Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, United States of America, Yemen.

Abstaining: Albania, Andorra, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Ethiopia, Finland, France, Gabon, Germany, Grenada, Guatemala, Honduras, Hungary, Iceland, Kazakhstan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Niger, Norway, Papua New Guinea, Peru, Philippines, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Viet Nam, Zambia, Zimbabwe.

35. After the vote on revised draft resolution A/C.3/49/L.32/Rev.1, as amended, statements were made by the representatives of Brazil, Honduras, Antigua and Barbuda, Viet Nam, Guyana, Slovenia, Ghana, Belize, the Republic of Korea, Cuba, the Gambia and Nepal (see A/C.3/49/SR.61).

5/ Subsequently, the representative of Angola indicated that had he been present, he would have voted in favour of the revised draft resolution, as amended; the representative of Ghana indicated that had he been present, he would have abstained; and the representative of Brazil indicated that his vote should have been recorded as in favour.